

FILED

AUG 18 2016

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIN MARIE BERNHARDT,

Defendant.

CR 16-05-H-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to conspiring to possess with the intent to distribute, and conspiring to distribute, methamphetamine and Suboxone in violation of 21 U.S.C. §§ 841(a)(1) and 846 as set forth in Count I of the Superseding Information. Defendant also entered a plea of guilty to accepting a bribe as an agent of the State of Montana in violation of 18 U.S.C. § 666(a)(1)(B) as set forth in Count II of the Superseding Information. In exchange for Defendant's pleas, the United States has agreed to dismiss Counts I - V of the Indictment, and Counts I - V of the Superseding Indictment.

After examining the Defendant under oath, I have made the following

determinations:

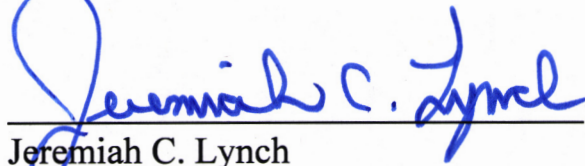
1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against her and consequences of pleading guilty to the charges,
3. That the Defendant fully understands her constitutional rights, and the extent to which she is waiving those rights by pleading guilty, and
4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement, and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the two offenses charged in the Superseding Information, and that sentence be imposed. I further recommend that Counts I - V of the Indictment, and Counts I - V of the Superseding Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea

Agreement and the presentence report.

DATED this 17th day of August, 2016.

A handwritten signature in blue ink, reading "Jeremiah C. Lynch". The signature is written in a cursive style with a large initial "J".

Jeremiah C. Lynch
United States Magistrate Judge